

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ALEK SCHOTT,

Plaintiff,

V.

JOEL BABB, IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY; MARTIN A. MOLINA III, IN
HIS INDIVIDUAL AND OFFICIAL CAPACITY;
JAVIER SALAZAR, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITY; AND
BEXAR COUNTY, TEXAS,

Defendants.

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Civil Action No.: 5:23-cv-706-OLG-RBF

ADVISORY TO THE COURT

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE RICHARD B. FARRER:

Defendant **BEXAR COUNTY**, in accordance with the Court's Order [Dkt. 59] certifies to the Court that they have produced all responsive documents that exist concerning Plaintiff's Requests for Discovery [Dkt. 49-1]. Said discovery requests and responses are attached hereto as Exhibits A and B.

Respectfully submitted,

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BY: /s/ Charles S. Frigerio

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and MARTIN A. MOLINA III

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CERTIFICATE OF SERVICE

I hereby certify that on the 28TH day of June, 2024, I electronically filed the foregoing Defendant Bexar County's Advisory to the Court via CM/ECF which will send notification to:

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/s/ Charles S. Frigerio
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

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JOEL BABB, IN HIS INDIVIDUAL AND OFFICIAL
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BEXAR COUNTY, TEXAS,

Defendants.

[illegible]

Civil Action No.: 5:23-cv-706-OLG-RBF

**DEFENDANT BEXAR COUNTY'S FIRST SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION**

Now comes **BEXAR COUNTY, TEXAS**, Defendant in the above styled and numbered cause and pursuant to Rule 34 of the Federal Rules of Civil Procedure, files the attached as its First Supplemental Responses to First Request for Production propounded by Plaintiff **ALEK SCHOTT**.

Respectfully submitted,

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EXHIBIT "A"

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CERTIFICATE OF SERVICE

I hereby certify that on the 27TH day of June, 2024, I electronically filed the foregoing Defendant Bexar County's First Supplemental Response to Plaintiff's First Request for Production via electronic mail to the following:

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/s/ Charles S. Frigerio
CHARLES S. FRIGERIO

**DEFENDANT'S FIRST SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION**

REQUEST FOR PRODUCTION 1 - All documents and communications that mention Plaintiff, whether by using his full name, (Alek Schott), a variant on his name (e.g., Alek, Schott, Mr. Schott), or a term that in context refers to him (e.g., driver, suspect.)

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 1:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 2 - All documents and communications that mention license plate number LJR4135.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 2:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 4 - All documents-including drafts and comments for revision-and communications that mention, were created during, or otherwise relate to SPEARS Incident Summary BCS220059233.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 4:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 6 - All communications and records of those communications between Defendant Babb and any other BCSO employee on March 16, 2022.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 6:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 7 - All communications and records of those communications, between Defendant Molina and any other BCSO employee on March 16, 2022.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 7:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 8 - All communications and records of those communications, between Deputy Joe Greb and any other BCSO employee on March 16, 2022.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 8:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 9 - All communications, and records of those communications, between Sergeant Gamboa and any other BCSO employee on March 16, 2022.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 9:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 15 - All documents evincing the training, certification, qualifications of Defendant Babb and Defendant Molina for the entirety of their careers as peace officers. This request includes, but is not limited to, material provided as part of Texas Commission of Law Enforcement training, provided by BCSO, or provided by private third parties on how to perform traffic stops, criminal interdiction, drug dog sniffs, and vehicle searches.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 15:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 17 - For any complaint about actions taken by a BCSO officer other than Defendant Babb and Defendant Molina during a traffic stop and vehicle search, produce documents evidencing the nature of the complaint and action taken by the County-such as employee counseling report, a performance report, or a summary of complaint and action taken.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 17:
Defendant Bexar County herein certifies that it has produced all responsive documents. See traffic stop complaints for the ten years preceding the date of incident of March 16, 2022.

REQUEST FOR PRODUCTION 18 - All documents concerning Maximus, the dog that sniffed Plaintiff's car on March 16, 2022. This request includes, but is not limited to, training curriculum, training manuals, certification records, score sheets, handler notes, deployment record, field performance documents, veterinary records, and similar documents.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 18:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 19 - All documents and communications concerning the reliability and performance of BCSO's K9 Unit or of individual dogs or K9 handlers. This request includes, but it is not limited to, deposition transcripts, affidavits, and declarations.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 19:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 20 - All documents and communications relating to the maintenance and inspection of the patrol vehicle driven by Defendant Babb on March 16, 2022, and its dash camera from February 1, 2022, to April 15, 2022.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 20:
Defendant Bexar County herein certifies that it has produced all responsive documents. Please refer to the Internal Affairs Investigation incident made the basis of this lawsuit indicating Deputy Babb's Dash Cam was operable during the date of incident during March 16, 2022.

REQUEST FOR PRODUCTION 21 - All documents and communications relating to Defendant Babb's contention that the dash camera on his patrol vehicle was inoperable on March 16, 2022.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 21:

Defendant Bexar County herein certifies that it has produced all responsive documents. Please refer to the Internal Affairs Investigation incident made the basis of this lawsuit indicating Deputy Babb's Dash Cam was operable during the date of incident during March 16, 2022.

REQUEST FOR PRODUCTION 22 - All documents and communications evincing the County's BCSO's K9 policy. This request included, but is not limited to, general orders, rules, standard operating procedures, memoranda, and similar documents on how drug detecting dogs are selected, trained, certified, qualified, evaluated, used, and managed.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 22:

Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 23- All documents and communications other than the current Sheriff's Manual Policy and Procedure that govern BCSO officers' behavior during traffic stops, roadside investigations, and vehicle searches. This request includes, but is not limited to, general orders, rules, standard operating procedures, memoranda, and similar documents.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 23:

Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 24 - All documents and communications stating the County's or BCSO's policies relating to criminal interdiction. This request includes, but is not limited to, general orders or standard operating procedures upon which BCSO officers rely in the course of their duties.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 24:

Defendant Bexar County certifies no responsive documents exist.

REQUEST FOR PRODUCTION 25 - All documents and communications stating the County's or BCSO's policies relating to the use and maintenance of bodycams, dashcams, and footage from those cameras. This request includes, but is not limited to, general orders or standard operating procedures upon which BCSO officers rely in the course of their duties.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 25:

Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 26 - All documents and communications setting forth the official purpose of BCSO's Criminal Interdiction Unit and K9 Unit.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 26:

Defendant Bexar County certifies no responsive documents exist.

REQUEST FOR PRODUCTION 27 - All documents that the County or BCSO use to track traffic stops and vehicle searches. This request includes, but it is not limited to, running lists, active databases, and regular reports, whether created for internal tracking or external use.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 27:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 28 - ALL SPEARS Incident Summaries and corresponding incident reports by Defendant Babb or Defendant Molina from January 1, 2022 to May 2, 2022. *See* Dkt. No. 13-1.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 28:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 29 - ALL SPEARS Incident Summaries and corresponding incident reports concerning traffic stops for drifting or touching the fog line. *See* Dkt. No. 13-1.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 29:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 30 - All memoranda of understanding and contractual agreements between the County or BCSO and other entities, governmental or otherwise, that facilitates or is designed to facilitate BCSO's criminal interdiction work.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 30:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 32 - All documents and communications related to the several Public Information Act requests submitted by Plaintiff and by his attorney Joshua Windham before this case was filed-including communications between any BCSO officer and the person responding to such requests. The numbers of those requests are:

- R010361-071822
- S004068-040622
- S005565-012423
- R012425-030223
- S005692-021023
- S005563-012423
- S005550-012323
- S005549-012323

This request does not seek documents and communications already available in the Bexar County Open Records Portal.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 32:
Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 34 - All organizational charts showing BCSO's structure and chain of command.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 34:

Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 35 - All BCSO Training Academy “annual internal audits and other risk evaluations” referenced in Sheriff’s Manual of Policy and Procedure (Aug. 3, 2021 version) § 2.11, to the extent those audits and risk evaluations contain information about BCSO officers’ performance of their law enforcement duties.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 35:

Defendant Bexar County herein certifies that it has produced all responsive documents.

REQUEST FOR PRODUCTION 36 - All documents-not including any privileged information or attorney work product- that you contend support any affirmative defense raised in this matter or that you otherwise intend to rely on at summary judgement or at trial.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST RFP No. 36:

Defendant Bexar County herein certifies that it has produced all responsive documents.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ALEK SCHOTT,

Plaintiff,

V.

JOEL BABB, IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY; MARTIN A. MOLINA III, IN
HIS INDIVIDUAL AND OFFICIAL CAPACITY;
JAVIER SALAZAR, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITY; AND
BEXAR COUNTY, TEXAS,

Defendants.

[illegible]

Civil Action No.: 5:23-cv-706-OLG-RBF

**DEFENDANT BEXAR COUNTY'S FIRST SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S SECOND REQUEST FOR PRODUCTION**

Now comes **BEXAR COUNTY, TEXAS**, Defendant in the above styled and numbered cause and pursuant to Rule 34 of the Federal Rules of Civil Procedure, files the attached as its First Supplemental Responses to Second Request for Production propounded by Plaintiff **ALEK SCHOTT**.

Respectfully submitted,

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EXHIBIT "B"

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CERTIFICATE OF SERVICE

I hereby certify that on the 27TH day of June, 2024, I electronically filed the foregoing Defendant Bexar County's First Supplemental Response to Plaintiff's Second Request for Production via electronic mail to the following:

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/s/ Charles S. Frigerio
CHARLES S. FRIGERIO

**DEFENDANT BEXAR COUNTY'S RESPONSES TO
PLAINTIFF'S SECOND REQUEST FOR PRODUCTION**

Request for Production 38: All documents relating to the investigation of the traffic stop and search of Plaintiff on March 16, 2022, referenced on BC002161—including the investigative report due September 12, 2023, referenced on BC002160 and the investigative report due December 11, 2023, referenced on BC002225.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SECOND RFP No. 38:
Defendant Bexar County herein certifies that it has produced all responsive documents.

Request for Production 39: All documents identifying the mission, goals, structure, or activities of BCSO's Special Enforcement Unit applicable from January 1, 2022, to present.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SECOND RFP No. 39:
Defendant Bexar County certifies no responsive documents exist.

Request for Production 40: All documents concerning reports on BCSO's criminal interdiction activities and the results of those activities, including any such reports submitted to the Bexar County Commissioners Court or used to support budget requests.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SECOND RFP No. 40:
Defendant Bexar County certifies no responsive documents exist.

Request for Production 41: All documents concerning the budget and funding of the Special Enforcement Unit.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SECOND RFP No. 41:
Defendant Bexar County certifies no responsive documents exist.

Request for Production 43: All documents concerning BCSO's use of dog sniffs during traffic stops, including any records or reports reflecting deployment of dogs to sniff vehicles and the results of those sniffs.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SECOND RFP No. 43:
Defendant Bexar County herein certifies that it has produced all responsive documents. All K-9 Maximus documents have been produced.

Request for Production 44: All SPEARS Incident Summaries and corresponding incident reports for traffic stops with reports by BCSO Officer Joe Gereb from January 1, 2022, to May 2, 2022.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SECOND RFP No. 44:
Defendant Bexar County herein certifies that it has produced all responsive documents.

Request for Production 49: All documents relating to Defendant Martin A. Molina III's certification as a dog handler, including any certification of Defendant Molina with Maximus, the dog that sniffed Plaintiff's car on March 16, 2022.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SECOND RFP NO. 49:
Defendant Bexar County herein certifies that it has produced all responsive documents.

Request for Production 50: All documents relating to BCSO Officer George Herrera's certification as a dog handler, including any certification of Officer Herrera with Maximus, the dog that sniffed Plaintiff's car on March 16, 2022.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SECOND RFP NO. 50:
Defendant Bexar County herein certifies that it has produced all responsive documents.

Request for Production 51: All documents and communications relating to changing Maximus's handler from BCSO Officer George Herrera to Defendant Martin A. Molina III.

DEFENDANT BC'S FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFF'S SECOND RFP NO. 51:
Defendant Bexar County herein certifies that it has produced all responsive documents.